

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 20, 2014

Victor Gonzales  
Chief Building Official  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

RE: Ordinance #13-004 and 13-005

Dear Mr. Gonzales:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 23, 2014.

Our review finds the submittal to contain two ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings

**O'Brien, Laurie@DGS**

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**From:** Victor Gonzales <[vgonzales@ci.emeryville.ca.us](mailto:vgonzales@ci.emeryville.ca.us)>  
**Sent:** Thursday, January 23, 2014 2:41 PM  
**To:** OrdinanceFilings@DGS  
**Subject:** City of Emeryville - 2013 CBC adoption/amendments  
**Attachments:** 13-005.Ord.FireCode.111913.pdf; 13-004.Ord.BldgRegs.111913.pdf; 2013\_CBC\_Adopt\_CBSCltr.pdf

CBSC – Attached is the City of Emeryville, California Building Code ordinances, resolution and findings. Hard copies to follow. Please confirm acknowledgement of acceptance at your convenience.

Thanks in advance.

Vic Gonzales  
Chief Building Official  
City of Emeryville  
(510) 596-4310  
[vgonzales@emeryville.org](mailto:vgonzales@emeryville.org)



## CITY OF EMERYVILLE

INCORPORATED 1890

1333 PARK AVENUE  
EMERYVILLE, CALIFORNIA 94608-3517

TEL: (510) 596-4300 FAX: (510) 450-7831

January 22, 2014

Executive Director, Commissioners  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

**SUBJECT: 2013 California Building Code Adoption and Supporting Findings**

Dear Executive Director and Commissioners

Pursuant to the Health and Safety Code, Section 17958.7, enclosed is ordinance #13-004, 13-005 and resolutions of expressed findings made and approved by the City of Emeryville City Council on November 19, 2013 for the adoption of the amendments to the 2013 California Building Standards Code for CBSC filing.

If you have any questions, please contact me at 510.596.4359

*CBSC*

Victor Gonzales  
Chief Building Official  
City of Emeryville  
Building Division

c: E. Rodriguez, CBSC, Associate Construction Analyst  
M. Guina, Assistant City Attorney  
C. Bryant, Director of Planning and Building  
B. Terra, Alameda County Fire Division Chief/Fire Marshal  
Enclosure

**ORDINANCE No. 13 -004**

**An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapters 1, 1A, 2, 3, 4, 5, And 7 Of Title 8 Of The Emeryville Municipal Code, Adopting New Chapters 1, 1A, 2, 3, 4, 5, 7, And 8 Of Title 8 Of The Emeryville Municipal Code, Entitled "Building Regulations", And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code**

**WHEREAS**, the City of Emeryville's Building Regulations are codified in Title 8 of the Emeryville Municipal Code and were last updated in 2010; and

**WHEREAS**, it is the desire and intent of the City Council of the City of Emeryville to provide the public with the greatest degree of fire, life, health and structural safety in buildings in the most effective manner by adopting the most current body of regulations.

**WHEREAS**, on January 1, 2013, the California Building Standards Commission adopted the 2012 International Building Code, 2012 International Residential Code, 2012 International Existing Building Code, 2012 International Property Maintenance Code, 2013 California Green Building Standards Code, 2012 Uniform Mechanical Code, 2012 Uniform Plumbing Code, 2011 National Electrical Code, and the 2012 International Energy Conservation Code as the 2013 California Building Standards Code collectively; and

**WHEREAS**, State law requires local jurisdictions to enforce the 2013 California Building Standards Code beginning January 1, 2014; and

**WHEREAS**, California Health and Safety Codes Sections 17958, 17958.5 and 17958.7 allow the City, by ordinance, to make modifications or changes to the California Building Standards Code and other regulations adopted pursuant to Health and Safety Code Section 17922 when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions, and where such amendments establish requirements more stringent than those provided in the state code; and

**WHEREAS**, amendments are necessary to the administration provisions to reflect Emeryville's local procedures and practices, as well as to ensure internal consistency between the various model codes that make up the California Building Codes; and

**WHEREAS**, the Health and Safety Code requires that the City Council, before making any modifications and changes, makes an express finding that each modification or change is needed; and

**WHEREAS**, the City Council determines that the proposed ordinance establishes requirements more stringent than those set forth in the 2013 California Building Standards Code, Title 24, parts 2, 2.5, 3, 4, 5, 6, 8, 9, 10 (appendix A1) and 11 of the California Code of Regulations, as adopted by the City of Emeryville and set forth in the Emeryville Municipal Code;



**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:**

**SECTION ONE. PURPOSE D INTENT**

The purpose and intent of this Ordinance is to repeal Chapters 1, 1A, 2, 3, 4, 5, and 7 of Title 8 of the Emeryville Municipal Code and to adopt new Chapters 1, 1A, 2, 3, 4, 5, 7, and 8 of Title 8 of the Emeryville Municipal Code.

**SECTION TWO. REQUIRED FINDINGS**

Pursuant to Sections 17922, 17958, 17958.5, 17958.7 of the California Health and Safety Code, a local jurisdiction may adopt amendments to the State Building Code when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions. In adopting amendments to the State Building Code, the City Council finds such local conditions exist in the City of Emeryville as follows:

1. Emeryville is located between 2 and 4 kilometers from the North Hayward fault, considered to be an active earthquake fault, and in seismic design category (SDC) D, a very high-risk earthquake area. Buildings and other structures in SDC D can experience seismic damage which could have an adverse impact on Fire protection. Any earth movement which causes buildings to move creates cracking and warping of fire walls, smoke barriers, door frames etc., thereby negating the effectiveness of these structural elements which are intended to prevent fire and smoke from spreading within the building. In the event of a fire in a large building, fire and smoke conditions can reach a magnitude which is beyond control capabilities of the fire department, thus resulting in major fire damage.
2. Emeryville is bisected topographically by Interstates 80 and 580. As a result the City is divided into discrete districts. To travel between districts emergency vehicles must travel under and over vehicular bridges. Heavy traffic congestion on the City's surface streets and overpasses could act as a barrier for timely arrival of emergency vehicles. In the event of an accident or overpass failure due to an earthquake, sections of the City may become isolated or response time may be significantly slowed so as to increase the risk or severity of injury or property damage.

**SECTION THREE. REPEALING CHAPTERS 1, 1A, 2, 3, 4, 5, AND 7 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapters 1, 1A, 2, 3, 4, 5, and 7 of Title 8 of the Emeryville Municipal Code are hereby repealed in their entirety.

**SECTION FOUR. ADOPTING CHAPTER 1 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 1 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

## **CHAPTER 1            BUILDING CODE**

### **Sections:**

- 8-1.1        Title.**
- 8-1.2        Adoption.**
- 8-1.3        Applicability of California Building Code Appendix Chapters**
- 8-1.4        Amendments to California Building Code Volume 1**

#### **8-1.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Building Code of the City of Emeryville and will be referred to in this Chapter as "this code."

#### **8-1.2 Adoption.**

The following documents are hereby collectively adopted as the Building Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2012 International Building Code (IBC) Volume 1, as amended by the state and known as the 2013 California Building Code (CBC) Volume 1 (California Code of Regulations, Title 24, Part 2, Volume 1), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter; and
- B. The 2012 International Existing Building Code, Appendix Chapter A1, and as amended by the state and known as the 2013 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

#### **8-1.3            Applicability of California Building Code Appendix Chapters**

Wherever in the California Building Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Employee Qualifications	Not Applicable / Not Adopted
B	Board of Appeals	Not Applicable / Not Adopted

C	Group U Agricultural Buildings	Not Applicable / Not Adopted
D	Fire Districts	Not Applicable / Not Adopted
E	Reserved	Not Applicable / Not Adopted
F	Rodent Proofing	Not Applicable / Not Adopted
G	Flood Resistant Construction	Not Applicable / Not Adopted
H	Signs	Not Applicable / Not Adopted
I	Patio Covers	Not Applicable / Not Adopted
J	Grading	Not Applicable / Not Adopted
K	Central Valley Flood Protection Plan	Not Applicable / Not Adopted
L	Earthquake Recording Instrumentation	Not Applicable / Not Adopted
M	Tsunami-Generated Flood Hazard	Not Applicable / Not Adopted

#### **8-1.4 Amendments to California Building Code Volume 1**

Volume 1 of the 2013 California Building Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The California Building Code, as amended by this Chapter, shall be known as the Building Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Building Code, are referred to hereafter as "these regulations" or "these building standards" or "this code."

(b) Section 101.4.4 is amended to read as follows:

**101.4.4 Property maintenance.** The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(c) Section 101.4.5 is amended to read as follows:

**101.4.5 Fire prevention.** The provisions of the California Fire Code as amended by the City of Emeryville shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section 102.6 is deleted.

(e) Section 103.1 is amended to read as follows:

**103.1 Creation of Enforcement Agency.** The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building



Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

- (f) Section 104.7 is amended to read as follows:

**104.7 Department records.** The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

- (g) Section 105.1.1 **Annual Permits** is deleted.

- (h) Section 105.1.2 **Annual Permit Records** is deleted.

- (i) Section 105.1.3 is added to read as follows:

**105.1.3 City Council Approval Required to Demolish Residential Structure.**

The Building Official shall not issue a building permit to demolish a residential structure, as such terms are defined in Section 9-5.1211 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code, except upon the approval of the City Council in conformance with Section 9-5.1209 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code.

- (j) Section 105.1.4 is added to read as follows:

**105.1.4 City Council Approval Required to Demolish Significant Structure.**

The Building Official shall not issue a building permit to demolish a significant structure, as such terms are defined in Section 9-5.1211 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code, except upon the approval of the City Council in conformance with Section 9-5.1209 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code.

- (k) Section 105.1.6 is added to read as follows:

**105.1.6 Unsafe or Dangerous Conditions.** Nothing in this Section 105.1 shall prevent any measures of demolition necessary to correct unsafe or dangerous conditions of any building or part thereof, where the condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal and where the proposed measures have been declared necessary on an urgency basis by the official to correct the condition; provided however that the Building Official or Fire Marshal shall first provide written notice to the City Council and only such work as is absolutely necessary to correct the immediate danger is permitted and is done with due regard for the preservation of the appearance of the structure.

- (l) Section 105.2 items No. 6 and 7 are amended to read as follows:

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

6. Sidewalks, decks, and driveways not more than 30 inches (762 mm) above adjacent grade, are not attached, and not over any basement or story below and are not part of an accessible route.



7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work. (Exception: Re-stripping, re-surfacing or re-configuration of parking lots containing disabled access parking requires a building permit.)

(m) Section 105.5 is hereby deleted in its entirety and a new section 105.5 is added to read as follows:

**105.5 Expiration.** With the following exceptions, every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within one (1) year from the date of issuance:

1. The Building Official shall have the authority to authorize longer time periods for specific projects.
2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building, structure or equipment, or to otherwise abate a nuisance, the Building Official shall establish a reasonable time period for the completion of the work.
3. Whenever a permit is issued for certain short-term projects, the Building Official shall have the authority to establish a time period of less than one (1) year. These projects may include, but not be limited to, termite repairs, free-standing fireplace stoves, solar system installations, spas and hot tubs, demolition, and electrical service alterations.
4. The permit holder may renew a permit for a period of no longer than one (1) year after the original date of expiration provided: that the request for renewal is submitted to the Building Official prior to said expiration date along with the payment of a renewal fee; that no changes have been made or will be made in the original plans and specifications; and that no laws, regulations, rules, or ordinances have been changed in such a manner as to prohibit the completion of the proposed work. This renewed permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of renewal. The permit renewal fee shall be established as indicated in Section 109 of this Chapter.

(n) Section 105.5.1 is added to read as follows:

**105.5.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 109.2 of this Chapter and in accordance with the schedule of previously completed and inspected work.



Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

- (o) Section 107.3.3 is amended to read as follows.

**107.3.3 Phased approval.** The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operations and without assurance that a permit for the entire structure will be granted. Additional fees shall be assessed in accordance with the City of Emeryville Master Fee Schedule.

- (p) Section 109.1.1 is added to read as follows:

**109.1.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the addition fee, if any, has been paid in accordance with the City of Emeryville Master Fee Schedule.

- (q) Section 109.1.2 is added to read as follows:

**109.1.2 Plan Review Fees.** When submittal documents are required by Section 107.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in the Section 109.1.1 of this Chapter. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in the City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, revisions after permit issuance, the additional plan review fee shall be charged as specified in said fee schedule.

- (r) Section 109.1.3 is added to read as follows:

**109.1.3 Expiration of Plan Review.** Applications for which no permit is issued following the date of completion of the initial review of the submitted plans, or applications for which no permit is issued within 12 months following the date of application, shall expire by limitation. The Building Official may extend either of these expiration dates for an additional period, not exceeding 180 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be

extended more than once. Following final expiration of the application, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- (s) Section 109.2 is amended to read as follows:

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

- (t) Section 109.3 is amended to read as follows:

**109.3 Building Permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems, bonds, insurance, costs associated with abatement and remedial work, fees for permits issued by other jurisdictions, all equipment attached to the building, all equipment used in restaurant facilities, all permanently attached items such as shelving racks and other storage devices, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business tax certificate. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can provide detailed estimates to the satisfaction of the Building Official. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with the City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

- (u) Section 109.4 is amended to read as follows:

**109.4 Work commencing before a permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

- (v) Section 109.6 is amended to read as follows:

**109.6 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of

80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(w) Section 110.4 **Inspection agencies** is deleted.

(x) Section 111.2 is amended to read as follows:

**Section 111.2 Certificate issued.** After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City of Emeryville, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.
9. The type of construction as defined in Chapter 6 of the California Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.
13. Prior to the issuance of the certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(y) Section 111.3 is amended to read as follows:

**Section 111.3 Temporary occupancy.** The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(z) Section 111.5 is added to read as follows:

**Section 111.5 Abandonment of Legal Occupancy.** Whenever the legal occupancy or use of a building or structure, other than a 1 or 2 family dwelling, is abandoned continuously for a period of one (1) year or more, the said building or structure shall be considered to have no legal occupancy and shall be so

declared by the Building Official. When this building or structure is next occupied or used after such declaration, it shall be made to comply fully with the requirements for the new occupancy or use per the requirements of this code.

(aa) Section 111.6 is added to read as follows:

**Section 111.6 Occupancy violations.** Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

(bb) Section 903.2.1 is amended to read as follows:

**Section 903.2.1 Group A Occupancies.** As required by Emeryville Municipal Code Title 4 Chapter 5.

(cc) Section 903.2.7 is amended to read as follows:

**Section 903.2.7 Group M Occupancies.** As required by Emeryville Municipal Code Title 4 Chapter 5.

(dd) Section 903.2.11.6.1 is added to read as follows:

**Section 903.2.11.6.1 Other required suppression systems.** As required by Emeryville Municipal Code Title 4 Chapter 5.

(ee) Section 903.2.12 is hereby deleted.

(ff) Section 903.6.1 is added to read as follows.

**Section 903.6.1 Existing Buildings.** As required by Emeryville Municipal Code Title 4 Chapter 5.

## **SECTION FIVE. ADOPTING CHAPTER 1A OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 1A of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

### **CHAPTER 1A RESIDENTIAL CODE**

#### **Sections:**

<b>8-1A.1</b>	<b>Title.</b>	
<b>8-1A.2</b>	<b>Adoption.</b>	
<b>8-1A.3</b>	<b>Applicability of California Residential Code Appendix Chapters</b>	



#### **8-1A.4 Amendments to California Residential Code**

##### **8-1A.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Residential Code of the City of Emeryville and will be referred to in this Chapter as "this code."

##### **8-1A.2 Adoption.**

The following documents are hereby collectively adopted as the Residential Code for the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2012 International Residential Code (IRC) as amended by the state and known as the 2013 California Residential Code (CRC) as published by the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

#### **8-1A.3 Applicability of California Residential Code Appendix Chapters**

Wherever in the California Residential Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Sizing and Capacities of Gas Piping	Not Applicable / Not Adopted
B	Sizing of Venting Systems Serving Appliances equipped with Draft Hoods, Cat I Appliances, and Appliances listed for use with Type B Vents	Not Applicable / Not Adopted
C	Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems	Not Applicable / Not Adopted
D	Recommended Procedure for Safety Inspection of an Existing Appliance Installation	Not Applicable / Not Adopted
E	Manufactured Housing used as Dwellings	Not Applicable / Not Adopted
F	Radon Control Methods	Not Applicable / Not Adopted
G	Swimming Pools, Spas and Hot Tubs	Not Applicable / Not Adopted

H	Patio Covers	Not Applicable / Not Adopted
	Private Sewer Disposal	Not Applicable / Not Adopted
J	Existing Building and Structures	Not Applicable / Not Adopted
K	Sound Transmission	Not Applicable / Not Adopted
L	Permit Fees	Not Applicable / Not Adopted
M	Home Day Care R-3 Occupancy	Not Applicable / Not Adopted
N	Venting Methods	Not Applicable / Not Adopted
O	Automobile Vehicular Gates	Not Applicable / Not Adopted
P	Sizing of Water Piping System	Not Applicable / Not Adopted
Q	ICC Intern. Residential Code Electrical Provisions/ NEC Cross Reference	Not Applicable / Not Adopted

#### **8-1A.4 Amendments to California Residential Code.**

The 2013 California Residential Code is hereby amended as follows:

(a) Section R101.1 is amended to read as follows:

**R101.1 Title.** The California Residential Code, as amended by this Chapter, shall be known as the Residential Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Residential Code, are referred to hereafter as "these regulations" or "these building standards" or "this code."

(b) Section R101.4 is added to read as follows:

Property maintenance. The provisions of the California Mechanical Code and the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(c) Section R101.5 is added to read as follows:

Fire prevention. The provisions of the California Fire Code as amended by the City of Emeryville shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section R103.1 is amended to read as follows:

**R103.1 Creation of Enforcement Agency.** The Building Division of the City of



Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(e) Section R104.12 is added to read as follows:

**Unsafe or Dangerous Conditions.** Nothing in this section shall prevent any measures of demolition necessary to correct unsafe or dangerous conditions of any building or part thereof, where the condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal and where the proposed measures have been declared necessary on an urgency basis by the official to correct the condition; provided however that the Building Official or Fire Marshal shall first provide written notice to the City Council and only such work as is absolutely necessary to correct the immediate danger is permitted and is done with due regard for the preservation of the appearance of the structure.

(f) Section R105.2 is amended as follows:

**R105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

10. Decks, not more than 30 inches (762 mm) above adjacent grade, that are not attached and not over any basement or story below and are not part of an accessible route.

(g) Section R105.5 is deleted in its entirety and a new section R105.5 is added to read as follows:

**R105.5 Expiration.** With the following exceptions, every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within one (1) year from the date of issuance:

1. The Building Official shall have the authority to authorize longer time periods for specific projects.
2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building, structure or equipment, or to otherwise abate a nuisance, the Building Official shall establish a reasonable time period for the completion of the work.
3. Whenever a permit is issued for certain short-term projects, the Building Official shall have the authority to establish a time period of less than one (1) year. These projects may include, but not be limited to, termite repairs, free-standing fireplace stoves, solar system





installations, spas and hot tubs, demolition, and electrical service alterations.

4. The permit holder may renew a permit for a period of no longer than one (1) year after the original date of expiration provided: that the request for renewal is submitted to the Building Official prior to said expiration date along with the payment of a renewal fee; that no changes have been made or will be made in the original plans and specifications; and that no laws, regulations, rules, or ordinances have been changed in such a manner as to prohibit the completion of the proposed work. This renewed permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of renewal. The permit renewal fee shall be established as indicated in Section 108.1 of this Chapter.

(h) Section R105.5.1 is added to read as follows:

**R105.5.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 108.1 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(i) Section R106.3.3 is amended to read as follows.

**R106.3.3 Phased approval.** The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operations and without assurance that a permit for the entire structure will be granted. Addition fees shall be assessed in accordance with the City of Emeryville Master Fee Schedule.

(j) Section R108.1 is amended to read as follows:

**R108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the



addition fee, if any, has been paid in accordance with the City of Emeryville Master Fee Schedule.

(k) Section R108.1.1 is added to read as follows:

**R108.1.1 Plan Review Fees.** When submittal documents are required by Section R106.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this section is separate from and in addition to the permit fee specified in Section R108.1 of this Chapter. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in the City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(l) Section R108.1.2 is added to read as follows:

**R108.1.2 Expiration of Plan Review.** Applications for which no permit is issued following the date of completion of the initial review of the submitted plans, or applications for which no permit is issued within 12 months following the date of application, shall expire by limitation. The Building Official may extend either of these expiration dates for an additional period, not exceeding 180 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. Following final expiration of the application, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(m) Section R108.2 is amended to read as follows:

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(n) Section R108.3 is amended to read as follows:

**R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems, bonds, insurance, costs associated with abatement and remedial work, fees for permits issued by other jurisdictions, all equipment attached to the building, all equipment used in restaurant facilities, all permanently attached items such as shelving racks and other storage devices, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business tax certificate. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless

the applicant can provide detailed estimates to the satisfaction of the Building Official. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(o) Section R108.5 is amended to read as follows:

**R108.5 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(p) Section R108.6 is amended to read as follows:

**R108.6 Work commencing before a permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(q) Section R110.4 is amended to read as follows:

**R110.4 Temporary occupancy.** The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(r) Section R110.6 is added to read as follows:

**R110.6 Notice of violation.** Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All



vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

**SECTION SIX. ADOPTING CHAPTER 2 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 2 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 2. MECHANICAL CODE**

**Sections:**

- 8-2.1 Title.**
- 8-2.2 Adoption.**
- 8-2.3 Applicability of California Mechanical Code Appendix Chapters**
- 8-2.4 Amendments to California Mechanical Code**

**8-2.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Mechanical Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-2.2 Adoption.**

The following documents are hereby collectively adopted as the Mechanical Code for the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2012 Uniform Mechanical Code (UMC) as amended by the state and known as the 2013 California Mechanical Code (CMC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

**8-2.3 Applicability of California Mechanical Code Appendix Chapters.**

Wherever in the California Mechanical Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted by

this code. The following table is provided for reference

Appendix Chapter	Subject	Applicability
A	Residential Plan Examiner Review Form for HVAC System Design	Not Applicable / Not Adopted
B	Procedures to be followed to place Gas Equipment in Operation	Not Applicable / Not Adopted
C	Installation and Testing of Oil (Liquid) Fuel-Fired Equipment.	Not Applicable / Not Adopted
D	Unit Conversion Tables	Not Applicable / Not Adopted
E	Sustainable Practices	Not Applicable / Not Adopted
F	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents	Not Applicable / Not Adopted
G	Example Calculation of Outdoor Air Rate	Not Applicable / Not Adopted

#### 8-2.4 Amendments to California Mechanical Code.

The 2013 California Mechanical Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The California Mechanical Code, as amended by this Chapter, shall be known as the Mechanical Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Mechanical Code are referred to hereafter as "these regulations" or "these standards" or "this code."

(b) Section 106.0 is amended to read as follows:

**106.0 Powers and Duties of the Authority Having Jurisdiction.** The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(c) Section 113.4.1 is added to read as follows:

**113.4.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the

issuance of a "completion" permit. The payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

- (d) Section 114.2 is amended to read as follows:

**114.2 Permit Fees.** The fee for each permit shall be as set forth in accordance with the City of Emeryville Master Fee Schedule.

- (e) Section 114.3 is amended to read as follows:

**114.3 Plan Review Fees.** When submittal documents are required by Section 112.2 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

- (f) Section 114.6.4 added to read as follows:

**114.6.4 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by

the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

**SECTION SEVEN. ADOPTI CHAPTER 3 OF LE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 3 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 3. PLUMBING CODE**

**Sections:**

- |              |  |
|--------------|--|
| <b>8-3.1</b> | <b>Title.</b>  |
| <b>8-3.2</b> | <b>Adoption.</b>   |
| <b>8-3.3</b> | <b>Applicability of California Plumbing Code Appendix Chapters</b> |
| <b>8-3.4</b> | <b>Amendments to California Plumbing Code</b>                      |

**8-3.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Plumbing Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-3.2 Adoption.**

The following documents are hereby collectively adopted as the Plumbing Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2012 Uniform Plumbing Code (UPC) as amended by the state and known as the 2013 California Plumbing Code (CPC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

**8-3.3 Applicability of California Plumbing Code Appendix Chapters.**

Wherever in the California Plumbing Code reference is made to an appendix Chapter, the provisions of said appendix Chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Recommended Rules for Sizing the Water Supply System	Not Applicable / Not Adopted
B	Explanatory Notes on Combination Waste and Vent	Not Applicable / Not Adopted



C	Alternate Plumbing Systems	Not Applicable / Not Adopted
D	Sizing Storm Water Drainage Systems	Not Applicable / Not Adopted
E	Manufactured/Mobile Home Parks and Recreational Vehicle Parks	Not Applicable / Not Adopted
F	Firefighter Breathing Air Replenishment Systems	Not Applicable / Not Adopted
G	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents	Not Applicable / Not Adopted
H	Private Sewage Disposal Systems	Not Applicable / Not Adopted
	Installation Standards	Not Applicable / Not Adopted
K	Combination of Indoor and Outdoor Combustion and Ventilation Opening Design	Not Applicable / Not Adopted
L	Sustainable Practices	Not Applicable / Not Adopted

#### 8-3.4 Amendments to California Plumbing Code.

The 2013 California Plumbing Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The Uniform Plumbing Code, as amended by this Chapter, shall be known as the Plumbing Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Plumbing Code, are referred to hereafter as "these regulations" or "these standards" or "this code."

(b) Section 102.2.1.1 is added to read as follows:

**102.2.1.1 Duties and Powers of the Authority Having Jurisdiction.** The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(c) Section 103.3.4.1 is added to read as follows:

**103.3.4.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee;



moreover, the building official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

- (d) Section 103.4.1 is amended to read as follows:

**103.4.1 Permit Fees.** Fees shall be assessed in accordance with the provisions of this section and set forth in accordance with the City of Emeryville Master Fee Schedule.

- (e) Section 103.4.1.1 is added to read as follows:

**103.4.1.1 Plan Review Fees.** When submittal documents are required by Section 103.2.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville's Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville's Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville's Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in the said fee schedule.

- (f) Section 103.4.4.3 is added to read as follows:

**103.4.4.3 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid to the building official except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid to the Building Official when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building



Official may authorize the refunding of a maximum of 80% of the plan review fee paid to the building official if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

**SECTION EIGHT. ADOPTIN CHAPTER 4 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 4 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 4. ELECTRICAL CODE**

**Sections:**

- |              |                  |
|--------------|------------------|
| <b>8-4.1</b> | <b>Title.</b>    |
| <b>8-4.2</b> | <b>Adoption.</b> |

**8-4.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Electrical Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-4.2 Adoption.**

The following documents are hereby collectively adopted as the Electrical Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A The 2011 National Electrical Code (NEC) as amended by the state and known as the 2013 California Electrical Code (CEC) as published by the National Fire Protection Association (NFPA) and the California Building Standards Commission.

A copy of this code is on file in the office of the Building Official

**SECTION NINE. ADOPTI CHAPTER 5 OF TITLE 8 OF THE ERYVILLE MUNICIPAL CODE**

Chapter 5 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 5. GREEN BUILDING STANDARDS CODE**

**Sections:**

- |              |                  |
|--------------|------------------|
| <b>8-5.1</b> | <b>Title.</b>    |
| <b>8-5.2</b> | <b>Adoption.</b> |

**8-5.1 Title**



The Ordinance codified in this Chapter shall be known and may be cited as the Green Building Standards Code of the City of Emeryville or the CALGreen Code and will be referred to in this Chapter as "this code".

**8-5.2 Adoption.**

The following documents are hereby collectively adopted as the Green Building Standards Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2013 Green Building Standards Code (CALGreen Code) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

**SECTION TEN. ADOPTI CHAPTER 7 OF E 8 OF THE EMERYVILLE  
MUNICIPAL CODE**

Chapter 7 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 7. PROPERTY MAINTENANCE CODE**

**Sections:**

- |              |                  |
|--------------|------------------|
| <b>8-7.1</b> | <b>Title.</b>    |
| <b>8-7.2</b> | <b>Adoption.</b> |

**8-7.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Property Maintenance Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-7.2 Adoption.**

The following documents are hereby collectively adopted as the Property Maintenance Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2012 International Property Maintenance Code (IPMC) as promulgated by the International Code Council (ICC).

A copy of this code is on file in the office of the Building Official.

**SECTION ELEVEN. CHAPTER 8 OF LE 8 OF THE EMERYVILLE  
MUNICIPAL CODE**

Chapter 8 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

## **CHAPTER 8. ENERGY CODE**

### **Sections:**

<b>8-8.1</b>	<b>Title.</b>
<b>8-8.2</b>	<b>Adoption.</b>

#### **8-8.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Energy Code of the City of Emeryville and will be referred to in this Chapter as "this code."

#### **8-8.2 Adoption.**

The following documents are hereby collectively adopted as the Energy Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2013 California Energy Code (CEC) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

### **SECTION TWELVE. CEQA DETERMINATION**

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

### **SECTION THIRTEEN. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses, or phrases

### **SECTION FOURTEEN. EFFECTIVE DATE**

This Ordinance shall take effect on January 1, 2014. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

### **SECTION FIFTEEN. CODIFICATION**

Sections Four, Five, Six, Seven, Eight, Nine, Ten, and Eleven of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Three, Twelve, Thirteen, Fourteen, and Fifteen shall not be so codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, November 5, 2013, and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, November 19, 2013.

YOR

ATTEST

APPROVED AS FOR

CLERK

ATTORN



**ORDINANCE No. 13-005**

**An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapter 5 Of Title 4 Of The Emeryville Municipal Code And Adopting A New Chapter 5 Of Title 4 Of The Emeryville Municipal Code, Entitled "Fire Code," And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code**

**WHEREAS**, the City of Emeryville's Fire Regulations are codified in Chapter 5 of Title 4 of the Emeryville Municipal Code and were last updated in 2009; and

**WHEREAS**, it is desire and intent of the City Council of the City of Emeryville to provide the public with the greatest degree of fire, life, health and structural safety in buildings in the most effective manner by adopting the most current body of regulations; and

**WHEREAS**, on January 1, 2013, the California Building Standards Commission amended and adopted the International Fire Code as the 2013 California Fire Code (Title 24, Part 9, of the California Code of Regulations), which is part of the 2013 California Building Standards Code; and

**WHEREAS**, State law requires local jurisdictions to enforce the 2013 California Fire Code beginning January 1, 2014; and

**WHEREAS**, pursuant to Sections 17922, 17958, 17958.5, 17958.7 of the California Health and Safety Code, a local jurisdiction may adopt amendments to the California Building Standards Code, including the California Fire Code, when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions, and where such amendments establish requirements more stringent than those provided in the state code; and

**WHEREAS**, amendments are also necessary to the administration provisions to reflect Emeryville's local procedures and practices, as well as to ensure internal consistency between the various model codes that make up the Building Standards Codes, and

**WHEREAS**, the Health and Safety Code requires that the City Council, before making any modifications and changes, makes an express finding that each modification or change is needed;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:**



## **SECTION ONE. PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to repeal Chapter 5 of Title 4 of the Emeryville Municipal Code in its entirety and to adopt a new Chapter 5 of Title 4 of the Emeryville Municipal Code.

## **SECTION TWO. REQUIRED FINDINGS**

Pursuant to Sections 17922, 17958, 17958.5, 17958.7 of the California Health and Safety Code, a local jurisdiction may adopt amendments to the State Fire Code when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions. In adopting amendments to the State Fire Code, the City Council finds such local conditions exist in the City of Emeryville as follows:

1. Emeryville is located between 2 and 4 kilometers from the North Hayward fault, considered to be an active earthquake fault, and in seismic design category (SDC) D, a very high-risk earthquake area. Buildings and other structures in SDC D can experience seismic damage which could have an adverse impact on Fire protection. Any earth movement which causes buildings to move creates cracking and warping of fire walls, smoke barriers, door frames etc., thereby negating the effectiveness of these structural elements which are intended to prevent fire and smoke from spreading within the building. In the event of a fire in a large building, fire and smoke conditions can reach a magnitude which is beyond control capabilities of the fire department, thus resulting in major fire damage.
2. Emeryville is bisected topographically by Interstates 80 and 580. As a result the City is divided into discrete districts. To travel between districts emergency vehicles must travel under and over vehicular bridges. Heavy traffic congestion on the City's surface streets and overpasses could act as a barrier for timely arrival of emergency vehicles. In the event of an accident or overpass failure due to an earthquake, sections of the City may become isolated or response time may be significantly slowed so as to increase the risk or severity of injury or property damage.

## **SECTION THREE. REPEALING CHAPTER 5 OF TITLE 4 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 5 of Title 4 of the Emeryville Municipal Code is hereby repealed in its entirety.

**SECTION FOUR. ADOPTING CHAPTER 5 OF TITLE 4 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 5 of Title 4 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 5. FIRE CODE**

**Sections:**

- 4-5.1 Title**
- 4-5.2 Adoption**
- 4-5.3 Amendments to California Fire Code**

**4-5.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Fire Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**4-5.2 Adoption.**

The following document is hereby adopted as the Fire Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. or the Government Code of the state:

- A. The 2012 International Fire Code (IBC), as amended by the state and known as the 2013 California Fire Code (CFC), including Chapter 1, Divisions I and II; Section 503; and Appendices B and C (California Code of Regulations, Title 24, Part 9) as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

**4-5.3 Amendments to California Fire Code.**

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** These regulations shall be known as the Fire Code of the City of Emeryville hereinafter referred to as "this code".

(b) Section 104.6 is amended to read as follows:



**104.6 Official records.** The City of Emeryville shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for the longer period of time which is: 1) not less than five years; 2) for as long as the structure or activity to which such records relate remains in existence; or 3) as otherwise provided by the City of Emeryville Records Retention Schedule.

(c) Section 113.2 is amended to read as follows:

**113.2 Schedule of permit fees.** A fee for each permit or inspection shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(d) Section 503.2.1 is amended to read as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). Exception: The fire code official shall have the authority to approve alternate designs with a decrease in the minimum access width on a case-by-case basis.

(e) Section 903.2.1 is amended to read as follows:

**903.2.1 Group A.** An automatic sprinkler system shall be installed in Group A-1, A-2, A-3, and A-4 occupancies as follows:

1. When there is more than 3,000 square feet of floor fire area.
2. When the occupant load exceeds 100.
3. When the fire area is located on a floor other than a level of exit discharge serving such occupants.

And in Group A-5 occupancies as outlined in Section 903.2.1.5.

(f) Section 903.2.7 (1) is amended to read as follows:

**903.2.7 (1) Group M.** A Group M fire area exceeds 3,000 square feet.

(g) Section 903.2.11.6.1 is added to read as follows:

**Section 903.2.11.6.1 Other required suppression systems.**

**General.** An automatic fire extinguishing system shall be installed in all new structures that are:

1. A total floor area of 3,000 square feet or more, or
2. A height of 35 feet or more, or
3. Three or more stories, irrespective of height.

(h) Section 903.6.1 is added to read as follows:

**Section 903.6.1 Existing Buildings.** Automatic sprinkler systems shall be installed in all existing buildings or in any separate interest in a common interest development, as those terms are defined in California Civil Code Section 1351, with a minimum total floor area of 3,000 square feet if:

1. **Subdivided Space or Subdivisions.** The building or separate interest in a common interest development is being subdivided into multi-tenant spaces or being subdivided pursuant to the California Subdivision Map Act or the City's Subdivision Regulations, or:
2. **Change of Use or Occupancy.** The character of occupancy or use of the building or separate interest in a common interest development is being changed to a different division of the same occupancy or to a different occupancy as defined in California Building Code Chapter 3 Use and Occupancy Classification.

(i) Section 903.2.20 is added to read as follows:

**Section 903.2.20 Renovations.** Automated sprinkler systems shall be installed in all buildings or separate interest spaces that are substantially renovated as defined below.

1. **Buildings.** (Entire building in single fee title ownership). The building or portion thereof is being renovated, rehabilitated, or reconstructed and the value of the improvements is equal to or greater than 50% of the replacement cost of the building.
2. **Separate Interests in Common Interest Developments.** (Building is subdivided into multiple fee title ownership interests.) A separate interest in a common interest development is being renovated, rehabilitated, or reconstructed and the value of the improvements is equal to or greater than 50% of the replacement cost of said interest.
3. **Definition of Replacement Cost.** In absence of proof to the contrary, replacement cost as used above shall mean the market value of the building or separate interest in a common interest development as

determined by the Building Official at the time of submission of a building permit application.

#### **SECTION FIVE. CEQA DETERMINATION**

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

#### **SECTION SIX. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses, or phrases.

#### **SECTION SEVEN. EFFECTIVE DATE**

This Ordinance shall take effect on January 1, 2014. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

#### **SECTION EIGHT. CODIFICATION**

Section Four of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Three, Five, Six, Seven, and Eight shall not be so codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, November 5, 2013, and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, November 19, 2013.



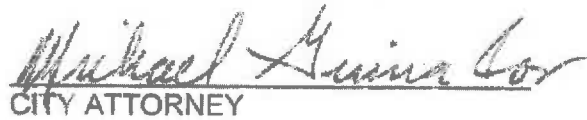
MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

